



**Legislative Bulletin.....June 13, 2007**

**Contents:**

**H.R. 2640** — NICS Improvement Amendments Act of 2007

**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** Unknown millions

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 0

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 0

**H.R. 2640 — NICS Improvement Amendments Act of 2007  
(McCarthy, D-NY)**

**Order of Business:** The bill is scheduled for consideration on Wednesday, June 13, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2640 would modify and expand information reporting requirements from state and federal agencies for inclusion in the National Instant Criminal Background Check System (NICS). The bill also provides federal grants to states, local government and Indian tribal governments to establish and upgrade systems to electronically report information to NICS. Major provisions of the bill are summarized below.

- Modifies current law to require federal agencies to provide *electronic* information (on at least a quarterly basis) regarding individuals that are barred from owning a firearm under federal (18 U.S.C. 922) or state law, which is entered into the NICS.

- Requires the Department of Homeland Security to submit information quarterly to the Attorney General which is relevant to determining whether a person is disqualified from possessing a firearm to be used in background checks performed by NICS.
- Requires the Department of Justice to:
  - 1) ensure that any information submitted to NICS is kept accurate and confidential,
  - 2) provide for the timely removal and destruction of obsolete and erroneous names and information from NICS, and
  - 3) work with states to encourage the development of computer systems that would allow electronic notification when
    - a) a court order has been issued, lifted, or otherwise removed by order of the court, or
    - b) a person has been adjudicated as mentally defective or committed to a mental institution.
- Requires the Attorney General to make grants to states, local governments, and Indian tribal governments, and state and local courts to establish or upgrade information technologies for firearms eligibility determinations (to be provided electronically to NICS).
- Provides for penalties for noncompliance by state and local governments, specifically allowing the Attorney General to withhold federal funding that would otherwise be allocated to the state under the Omnibus Crime Control and Safe Streets Act, including mandatory reductions in federal funding of 5 percent if compliance is not met after three years following implementation of this Act.

**Possible Conservative Concerns:** Supporters of Second Amendment rights, including the two largest and most prominent gun rights groups in the country, are split on this issue. Gun Owners of America (GOA) is strongly opposed to this legislation, stating:

“the Dingell-McCarthy legislation that is designed to take the Brady Law to new heights, turning it into a law on steroids which could one day keep even YOU from buying a gun... Are you, or is anyone in your family, a veteran who has suffered from Post Traumatic Stress? If so, then you (and they) can probably kiss your gun rights goodbye. In 1999, the Department of Veterans Administration turned over 90,000 names of veterans to the FBI for inclusion into the NICS background check system. These military veterans -- who are some of the most honorable citizens in our society -- can no longer buy a gun.”

The National Rifle Association is strongly supportive of this legislation, stating:

“Gun owners’ organizations such as the National Rifle Association have long supported instant background checks to screen potentially dangerous gun buyers, without burdening law-abiding citizens. The new version of the “NICS Improvement Act” (H.R. 2640) would improve the National Instant Criminal Background Check System by ensuring that relevant federal and state records are available for use by NICS.”

[Click here](#) for a statement by GOA opposing the bill.

[Click here](#) for a statement by NRA supporting the bill.

**Committee Action:** H.R. 2640 was introduced on June 11, 2007, and referred to the Committee on the Judiciary, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 2640 is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. As noted above, the bill requires additional reporting requirements for local, state, and federal government entities for NICS, and provides for withholding federal funds to state and local entities for noncompliance.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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